IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7143 of 2007()

CRIME NO.615/2007 OF CHENGANNUR POLICE STATION)
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PETITIOENRS/ACCUSED NO. 2 &3
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1. GAYATHRI PILLAI, KOCHU VEETTIL,
PULIYOOR VILLEGE, PERISSERI MURIYIL.
CHENGANNNUR TALUK, ALAPPUZHA DISTRICT.

2. BALAKRISHNA PILLAI,
--DO-- --DO--.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP. BY SUB INSPECTOR OF POLICE, CHENGANNUR POLICE STATION, CHENGANNUR(CRIME NO.615/2007) REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7143 of 2007

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Dated this the 21st day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners (A2 & A3) are parents-in-law of the defacto complainant. Their son, the husband of the defacto complainant (A1), is employed abroad. On the grievance made by the defacto complainant the police have registered a crime under Section 498A I.P.C. The marriage had taken place on 10.7.2006. The spouses are blessed with one child.

2. The crux of the allegations is that the first accused had assaulted the defacto complainant. The petitioners had also allegedly vexed and harassed her. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners. In coming to this conclusion I

take note of the fact that arrest and incarceration of the petitioners is likely to mar all possibilities of reconciliation of marital relationship. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 28.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 29.11.07 and 30.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 28.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 28.11.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 28.11.2007.

(R. BASANT)
Judge

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